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14 September 1988
OCA 3048-88

MEMORANDUM FOR: (SEE DISTRIBUTION)

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SUBJECT: Drug Legislation - Debate on Broomfield Amendment

1. On 8 September 1988, during floor consideration of H.R. 5210, the omnibus, anti-drug bill, the House adopted the "Broomfield amendment. The text is as follows:

It is the sense of the Congress that, given the magnitude of the illicit drug problem and the threat it poses to the national security of the United States, agencies of the intelligence community should, through the use of covert actions, be more actively involved in the effort to combat illicit international drug trafficking.

2. Attached is a copy of the floor debate (Congressional Record, 8 September 1988, pp. H7261-64). It's notable for the views expressed by Representative Hughes in opposing the amendment, including his perception of the proper role for the Intelligence Community in the anti-drug effort and the role of the Drug Enforcement Agency overseas. You will recall Representative Hughes' Subcommittee on Crime of the House Judiciary Committee recently held hearings on drug-smuggling in Central America which were labeled as "following-on" from the Iran-contra hearings.

3. You will note that those voting against the amendment included the Chairman Stokes of the House Permanent Select Committee on Intelligence (HPSCI) and several other Committee members. The administration had initially objected to the amendment at the Agency's behest because of concern over discussions of specific uses of covert action and over the linking of two such sensitive subjects - narcotics and covert action. Administration opposition, however, was later withdrawn.

STAT

Attachment
As stated

OCA 3048-88

SUBJECT: Drug Legislation - Debate on Broomfield Amendment

OCA/LEG/[] (12 September 1988)

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amendment is a good amendment. It is a practical amendment. I know from personal experience that it is often very difficult to take voluminous records to the grand jury, and frankly this will in fact make it much easier for U.S. attorneys to handle cases involving financial investigations, and I would urge my colleagues to support the amendment.

Mr. WORTLEY. Mr. Chairman, I thank the gentleman from New Jersey [Mr. HUGHES], and I want to thank him especially for the cooperation he has given me for this amendment and the previous amendment.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. WORTLEY. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Chairman, I have been in touch with the Justice Department, and they think this would be of great assistance to them in furtherance of the course of justice, and I congratulate the gentleman on his efforts.

Mr. WORTLEY. Mr. Chairman, I thank the gentleman from New York [Mr. RANGEL].

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Is there any Member in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New York [Mr. WORTLEY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROOMFIELD: Page 100, after line 17, insert the following:

SUBTITLE H—MISCELLANEOUS PROVISIONS
SEC. 3071. COVERT ACTIONS DIRECTED AT ILLICIT INTERNATIONAL DRUG TRAFFICKING.

It is the sense of the Congress that, given the magnitude of the illicit drug problem and the threat it poses to the national security of the United States, agencies of the intelligence community should through the use of covert actions, be more actively involved in the effort to combat illicit international drug trafficking.

Page 49, after the item relating to section 3067, insert the following:

SUBTITLE H—MISCELLANEOUS PROVISIONS
Sec 3071. Covert actions directed at illicit international drug trafficking.

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 5 minutes.

Mr. HUGHES. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very simple and promotes the use of yet another

weapon in America's arsenal to combat the war on drugs.

We must get serious about the war on international traffickers and groups such as the Medellin Cocaine Cartel.

The drug traffickers play hard ball in their efforts to smuggle in the drugs that poison America's youth. We must fight these groups on all fronts, on all levels, and with every available means.

Covert activities, specifically military and paramilitary activities, directed against these traffickers will produce results.

My sense-of-Congress language should make it abundantly clear that Congress supports a full-scale assault to cripple the production, distribution, and financial support networks of the illegal drug trafficking cartels.

Members of the cocaine cartels have grown bold in their efforts to stop America's initiatives to shut down their illegal operations. All of us have heard of their efforts to put a price tag on the head of U.S. officials overseas.

I was shocked to learn that Secretary of State Shultz was the target of an assassination plot during his recent visit to Bolivia. There is the evidence to suggest that a drug cartel organized the murder plot.

Last week we learned that Latin American drug traffickers recently planned to assassinate a U.S. Government employee, a DEA agent in New York City. This is outrageous.

Now is the time to tell those drug-gies that America will not tolerate such an arrogant disregard for the law in our country.

We in Congress must do everything we can to stop the traffickers from plotting right in our own front yard. We should act against those would-be assassins "post haste," wherever they are found.

Let's put an end to this type of assassination operation in our own country. Let's tell our intelligence community we are supportive of renewed efforts to direct every possible tool available to the U.S. Government to hit the international drug lords where it hurts.

I encourage you to support my amendment which brings the resources of the intelligence community to bear on those who would prey upon American officials both here and overseas.

Mr. Chairman, I yield such time as he many consume to the gentleman from California [Mr. LAGOMARSINO].

(Mr. LAGOMARSINO asked and was given permission to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong support of the amendment offered by the vice chairman of the Foreign Affairs Committee, Mr. BROOMFIELD, expressing Congress' support for the increased use of America's intelligence capabilities, in-

cluding covert operations, in the war on drugs.

Our intelligence agencies have the unique capability of monitoring and operating covertly against illegal international drug trafficking. Like the military, the intelligence community is part of our national security structure and helps protect our borders. Clearly, drug smuggling is a threat to our national security. Also like the military, the intelligence community has specific capabilities that are needed if we are to mount a full and successful offensive against illegal international narcotics trafficking. We must use all of our resources in this important crusade.

Providing local law enforcement agencies with advance warnings of drug smuggling—relaying types and registration numbers of smugglers' vessels and aircraft so that they can be apprehended before delivering their poisonous goods—is one example of how increased use of U.S. intelligence capabilities abroad can help strike against drugs and crime at home.

By using our intelligence assets to expose drug traffickers with their secret labs and distribution centers to foreign governments we help these friendly governments strike against the growing centers and production factories of illegal narcotics and the "drug lords" who operate them. Clearly this complements our efforts against drugs.

We have declared war on drugs. Covert operations have been part of our battle strategy in past wars. They have contributed to victory. They should be a part of this war. We need to disrupt and destroy the international drug lords' smuggling network. Covert operations, carefully planned and coordinated in accordance with U.S. laws, are one of the ways, perhaps at times the only way, to accomplish this worthy goal.

I urge my colleagues to join me in supporting the Broomfield amendment.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in support of the Broomfield amendment to the omnibus drug bill which expresses the sense of Congress that the intelligence community should be more actively involved in combating illicit international drug trafficking.

The drug cartels have unlimited resources and will go to any length to ensure that their deadly product reaches our citizens. In order to effectively combat the drug cartels, we must make aggressive use, within the law, of our intelligence capabilities. If we truly mean what we say about waging war against the drug traffickers, then our intelligence community must be utilized to penetrate the powerful drug cartels and if need be, through covert actions.

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The recent turf battles between the Colombian Medellin and Cali drug syndicates clearly demonstrates that major drug seizures by our law enforcement agents are having a disruptive impact on the traffickers. Penetrating these organizations to obtain vital information and to disrupt their operational capabilities is vital to our waging an effective war against drugs.

Accordingly, Mr. Chairman, I urge my colleagues to support the Broomfield amendment.

Mr. HUGHES. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HUGHES asked and was given permission to revise and extend his remarks.)

Mr. HUGHES. Mr. Chairman, I rise in strong opposition to this amendment. While I can support and do support involvement of our intelligence agencies in providing intelligence regarding international drug trafficking, I do not support intelligence agencies being involved operationally in narcotics enforcement, as this amendment endorses.

In fact, the amendment not only endorses operational involvement of our intelligence community in narcotics law enforcement, but it specifically endorses involvement through covert operations, and only through covert operations.

In drug enforcement matters overseas, the United States is currently represented, and represented ably, by the Drug Enforcement Administration and its foreign cooperative investigative program.

In the past 8 years, as chairman of the Subcommittee on Crime with responsibility for oversight of the DEA, I have traveled to dozens of drug-producing and drug-transiting countries. In talking with heads of state and heads of numerous law enforcement agencies in those countries, I have learned that our DEA is well received in almost every country where it is present. Furthermore, leaders in these countries make it clear that the fact that DEA is a single mission agency, with no agenda other than drug enforcement, is one of the primary reasons our drug enforcement efforts are well received.

I have long felt that it would be a mistake to give DEA operational duties overseas which go beyond drug enforcement. It would likewise be a mistake to assign agencies of our intelligence community to operational drug enforcement activities overseas. We would be sending a completely wrong signal to other countries if we were to endorse increased covert operations by our intelligence agencies in the name of international narcotics enforcement.

Experience has proven that, given the nature of the activities involved, it is very difficult for the Congress to maintain sufficient control over activities of our intelligence community in areas of national security. These problems would only be expanded by a con-

gressional exhortation to our intelligence community to increase covert operations aimed at international drug traffickers.

Finally, I take little comfort in the fact that this is "only" a sense of the Congress, and not a substantive authorization. If we send a clear message to our intelligence community that the Congress believes they ought to be undertaking covert operations in the area of drug enforcement, we not only cannot protest if they take us at our word, but we should protest if they do not.

There have been no congressional hearings on this proposal, and we have no legislative record on which to make a judgment on this very sensitive, potentially counterproductive step. It is a step that we therefore should not take at this time.

□ 1330

It is very seldom that I have ever disagreed with my colleague, the gentleman from Michigan. He is an astute legislator, a very thoughtful legislator.

Frankly, I just do not know enough about what the gentleman intends from reading the amendment to decide whether or not it would create major problems for those of us who believe there is an important role for the intelligence community, but which is a rather limited role, particularly in the area of covert operations.

My concern about the gentleman's amendment is that there have been no hearings that I am aware of.

We have had major problems, as my colleague, the gentleman from New York, the chairman of the select committee, can attest. I know the gentleman from New York [Mr. BEN GILMAN] can attest to the fact that one of the problems we run into in countries around the world is that countries want to make sure that our drug agency, the DEA, that operates the foreign cooperative investigative program is only interested in drugs. There was a time about 6 years ago when there was a proposal to merge the FBI and the DEA into one agency. Governments around the world told us that if we began to mix the missions of the FBI with its counterintelligence missions and the DEA, that they did not want to extend the same cooperation with the DEA. They were not going to cooperate. These countries felt they could not provide the same level of cooperation and maintain their sense of comfort that their sovereignty was being respected.

In many countries around the world, we actually run wiretaps in host countries. That is most extraordinary.

They trust the DEA. The DEA over the years has developed a very good rapport, and so we should not be doing anything really to compromise the intelligence gathering operations by the DEA. They are our lead agency around the world in getting good hard intelligence. If anything, we should be beefing up those operations.

The CIA role and the role of the other Intelligence agencies has always been providing good tactical, as well as strategic intelligence, but mostly strategic intelligence.

Frankly, the amendment of the gentleman would suggest that we want the CIA to get involved operationally in countries.

Now, I do not have to tell the gentleman from Michigan or my colleagues that we have enough problems trying to keep our CIA covert operations in the national security area within bounds.

I do not want to open up a Pandora's box and have them operational in other countries, compromising our intelligence gathering capabilities by the DEA, our lead agency. Second, this will create a hard job for Congress to oversee those covert operations.

Now, my question to the gentleman is, Does the gentleman conceive that the CIA, for instance, would have under his amendment—I know it is a sense-of-the-Congress resolution—would have the same operational capability in the drug area as they have in national security areas?

Mr. BROOMFIELD. Mr. Chairman, if the gentleman will yield, I think we would have to agree that it is a national security problem, this whole drug problem.

What this amendment actually would do is provide the next President, whoever he might be, an additional tool; in other words, to be able to go in and possibly help out in destroying some of these drug producing areas.

Mr. HUGHES. But we already receive intelligence from them. It is not just covert, it is overt intelligence. We receive a lot of intelligence from the intelligence community, and if anything, we are trying to encourage more intelligence gathering and better information. That is the direction we need to go. If we can do a better job of intelligence gathering in source and transshipment countries, we will do a better job by anticipating patterns and identifying criminals, but if we are going to compromise the foreign cooperative investigating program, and we just might do that if in fact this became the law, then I am not sure it is anything but counterproductive.

So for the reasons I have expressed, I have got to reluctantly oppose any effort to pursue this through covert operations.

I think what the gentleman intends, if I understand him correctly, is to have the CIA operational in the drug area. Frankly, I have some major concerns about that.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, the gentleman from New Jersey raises some concerns that we should all reflect upon; however, the gentleman

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from New Jersey should bear in mind that the President did declare narcotics trafficking a national security threat.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HUGHES] has expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 1 additional minute.)

Mr. HUGHES. I yield to the gentleman from New York.

Mr. GILMAN. Bear in mind that the President did declare narcotics trafficking a national security threat. We are at war with the drug dealers and if we are at war, then we should have access to all of our intelligence capabilities.

Mr. HUGHES. But we do have intelligence-gathering capabilities, I want to say to the gentleman.

Mr. GILMAN. Nobody is saying to our intelligence people what specifically they should do. What we are saying to them is to become more involved in the antidrug effort. Make more of your capabilities available to our Nation's drug war.

Mr. HUGHES. But we are getting that information now, as the gentleman knows, from the CIA and other Intelligence agencies. This amendment provides for "covert actions."

Mr. LEVINE of California. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from California.

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman for yielding.

I would like to pose a question to the author of the amendment, if I might. Would the author of the amendment answer a question?

Mr. BROOMFIELD. Yes.

Mr. LEVINE of California. I would say to the gentleman from Michigan, I commend his intent with regard to this amendment.

I would ask the gentleman if he would consider an amendment to his amendment that would also make it a sense of the Congress that when our intelligence agencies obtain the type of information he is seeking—

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HUGHES] has expired.

Mr. HUGHES. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. McCOLLUM. Reserving the right to object, Mr. Chairman, I do not plan to object to this request, but I think we need to get a little ground rule in here, because this rule we have for considering the whole bill is rather restrictive. If we are going to continue to allow this to occur on this amendment, I would hope those who are floor leaders would allow us perhaps a little leeway on our time later.

Mr. HUGHES. Mr. Chairman, will the gentleman yield to me under his reservation?

Mr. McCOLLUM. I am glad to yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, in the first place, if our committee had had more than 8 minutes to debate this, we might have been able to let Members know what is in this bill.

Frankly, this is an important amendment. I do not know that Members have focused in on it. Some of the members of committees that have jurisdiction were not even aware of the fact that it was in the bill.

Mr. LEVINE of California. Mr. Chairman, if the gentleman will yield further, I appreciate the gentleman's caution and I will try to be brief in my question to the gentleman from Michigan.

Mr. McCOLLUM. Mr. Chairman, I wonder if the gentleman from New York [Mr. RANGEL] could respond to this unanimous-consent request for time. We are getting into this request for more time. I have no problem for limited amounts of those requests, but I would just hope, if there is a policy being developed here on doing this, that we could have some understanding so that it is fair when our side has the same request later. Is there a problem with just sort of having some understanding that we are not going to let it go on for any of these for much longer than the rule allows?

Mr. RANGEL. Mr. Chairman, if the gentleman will yield, we have the rule and I do not intend to violate the rule. Because I asked unanimous consent the last time, is that the reason the gentleman is raising the question?

I do not know how much flexibility we have got to have. We are going to be on this for 2 or 3 days. There is other legislation that we are going to have to listen to, so there are restrictions that we have. We have got 36 amendments.

Mr. McCOLLUM. Mr. Chairman, I would agree with the gentleman, too; so I am going to be judicious here. I am not going to object to this request at this point, but I am going to be cautious with the gentleman from New York on the next round.

Mr. HUGHES. Mr. Chairman, I thank the gentleman.

Mr. McCOLLUM. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] is recognized for 1 additional minute.

Mr. LEVINE of California. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from California.

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, again I would ask the author of the amendment if he would

consider including as an additional sentence in his sense-of-the-Congress resolution, the following sentence:

It is further the Sense of the Congress that information regarding international illicit drug trafficking obtained by agencies of the Intelligence community in the course of their covert activities should be transmitted to the Secretary of State and to the Administrator of the Drug Enforcement Administration for appropriate review.

The reason being, and I believe the gentleman understands the reasoning, the reasoning being that the DEA and the State Department also have legitimate important concerns with regard to this information. This is simply sense-of-the-Congress language, and in our efforts to have the right hand know what the left hand is doing, I would think this might improve the administration of the suggestion of the gentleman.

Mr. BROOMFIELD. Mr. Chairman, if the gentleman will yield further, I appreciate the gentleman's comments. It seems to me that the present law, in other words on covert activity, would be up to the President of the United States to make that determination. The dissemination of that information goes through the proper Intelligence Committees in both the House and the Senate and they have the opportunity to make the determination of their interests in getting that information.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HUGHES] has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 322, noes 83, not voting 26, as follows:

[Roll No. 2961]

AYES—322

Ackerman	Brown (CO)	Craig
Akaka	Bruce	Crane
Anderson	Bryant	Dannemeyer
Andrews	Buechner	Darden
Annunzio	Bunning	Daub
Anthony	Burton	Davis (IL)
Applegate	Byron	Davis (MI)
Archer	Callahan	de la Garza
Armey	Campbell	DeFazio
Aspin	Cardin	DeLay
Baker	Carper	Derrick
Ballenger	Carr	DeWine
Barnard	Chandler	Dickinson
Bartlett	Chapman	Dicks
Barton	Chappell	DioGuardi
Bateman	Clarke	Donnelly
Bennett	Clay	Dornan (CA)
Bentley	Clement	Dreier
Bereuter	Coats	Durbin
Bilbray	Coble	Dwyer
Bilirakis	Coelho	Dyson
Billiey	Coleman (MO)	Early
Boehlert	Coleman (TX)	Eckart
Boggs	Combest	Edwards (OK)
Bonker	Conte	Emerson
Bosco	Cooper	English
Boucher	Costello	Erdreich
Brennan	Coughlin	Espy
Broomfield	Courter	Fascell

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Pawell
Pelham
Fieldr
Fish
Flippo
Florio
Foglietta
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
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Hefner
Henry
Herger
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Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
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Hutto
Hyde
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Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
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Kaptur
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Kennedy
Kennelly
Kildee
Kleczka
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Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Lehman (CA)
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Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston

Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
Madigan
Manton
Marienne
Martin (NY)
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Murphy
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielsen
Nowak
Olin
Owens (UT)
Oxley
Parris
Pashayan
Patterson
Payne
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)

NOES—83

Atkins
AuCoin
Bates
Beilenson
Berman
Boland
Bonior
Borski
Boxer
Brown (CA)
Bustamante
Collins
Conyers
Co'ne
Crockett
Dellums
Dingell

Dixon
Dorgan (ND)
Downey
Dymally
Edwards (CA)
Evans
Fazio
Flake
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gejdenson
Gephardt
Gonzalez
Gray (IL)

Russo
Salki
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snowe
Solari
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Traficant
Traxler
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

McHugh
Miller (CA)
Mineta
Moody
Morrison (CT)
Mrazek
Murtha
Oaker
Oberstar
Obey
Ortiz

Owens (NY)
Panetta
Pease
Rangel
Rodino
Roybal
Sabó
Savage
Sawyer
Scheuer
Sikorski

Smith (IA)
Stokes
Studds
Udall
Vento
Visclosky
Weiss
Wheat
Williams
Yates

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Chairman, I have a point of parliamentary inquiry.

The CHAIRMAN. The gentleman from Pennsylvania will state his parliamentary inquiry.

Mr. GEKAS. Mr. Chairman, although I believe that at the end of this debate on the amendment offered by the gentleman from New York [Mr. RANGEL] that I would be voting in favor of it, I do stand now at the beginning in opposition to the amendment. Under the rule, since the gentleman from New Jersey has indicated his opposition, does the Chair now have to choose between those who oppose the amendment?

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that the gentleman from New Jersey has signaled to the Chair his opposition to the amendment and the Chair will select one Member opposed to the amendment to control the 15 minutes in opposition.

Mr. GEKAS. Mr. Chairman, I will count on the gentleman from New Jersey and the gentleman from New York to grant the gentleman from Pennsylvania time to concur or discuss the amendment.

The CHAIRMAN. The gentleman from Pennsylvania is not stating a parliamentary inquiry.

The gentleman from New York [Mr. RANGEL] is recognized for 15 minutes.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, we are here today and for the next several days to see how we can perfect a drug bill that would benefit the people in the United States in trying to bring some relief to this great problem that affects all of us, our very lives. Now I think it is reaching the point, because it is on the eve of an election, where we may find ourselves thrown into a position that we are going to have to explain to the voters and our constituents just who was the toughest on crime, who was the toughest on drug traffickers, and sometimes when we have this type of debate, unfortunately, it is those Members who say let us kill the rascals that prevail rather than those who take the emotion out of the situation and try to find out what can truly be more effective.

If we want to see what is effective, why do we not take a look at some of the States where the legislatures and State Governors have made a decision and see how effective the death penalty has been. Why do we not take a look at the State of Florida, which really is one of the capitals, unfortunately, of drug trafficking, and see exactly what their death penalty has done. Why do we not take a look and see how many cases are pending.

There are over 2,000 people on death row. Are they the people who truly are

NOT VOTING—28

Alexander
Badham
Bevill
Boulter
Brooks
Cheney
Clinger
Dowdy
Garcia

□ 1359

The Clerk announced the following pairs:

On this vote:

Mr. Boulter for, with Mr. Torres against.
Mrs. Martin of Illinois for, with Mr. Waxman against.

Mr. Jones of North Carolina for, with Mr. Towns against.

Mr. Packard for, with Mr. Hawkins against.

Mr. LEVIN of Michigan, Mrs. KENNELLY, and Messrs. FRENZEL, MANTON, LANTOS, FOGLIETTA, and WOLPE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1400

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RANGEL: Page 205, after the matter following line 4, insert the following:

Subtitle M—Life Imprisonment Penalty for Drug-Related Killings

SEC. 6801. LIFE IMPRISONMENT PENALTY FOR DRUG-RELATED KILLINGS.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) by redesigning subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"Drug-Related Killings

"(e) In addition to the other penalties set forth in this section any person, during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution or service of a prison sentence for, a felony violation of this title or title III intentionally kills any law enforcement officer or any other person, shall be sentenced to life imprisonment."

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. RANGEL] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. HUGHES. Mr. Chairman, I may be opposed to the amendment, so I seek the time.